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THIRTY-SECOND LEGISLATIVE DAY
THURSDAY, FEBRUARY 9, 2012

Senate Chamber

President Little called the Senate to order at 11 a.m.

Roll call showed all members present except Senator Johnson, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Ryan Chapman, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 8, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Johnson was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 9, 2012

The JUDICIARY AND RULES Committee reports that [S 1296](#), [S 1297](#), [S 1298](#), [SCR 114](#), [SCR 115](#), and [SCR 116](#) have been correctly printed.

DARRINGTON, Chairman

[S 1296](#) was referred to the Agricultural Affairs Committee.

[S 1297](#) was referred to the Education Committee.

[S 1298](#) was referred to the State Affairs Committee.

[SCR 114](#) and [SCR 115](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Senator Hammond, granted by unanimous consent, [SCR 116](#) was referred to the State Affairs Committee.

February 8, 2012

The JUDICIARY AND RULES Committee reports that [S 1223](#), [S 1257](#), [S 1258](#), and [S 1267](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1223](#), [S 1257](#), [S 1258](#), and [S 1267](#) and ordered them transmitted to the House for the signature of the Speaker.

February 8, 2012

The JUDICIARY AND RULES Committee reports out [S 1214](#), [S 1263](#), and [S 1272](#) with the recommendation that they do pass.

DARRINGTON, Chairman

[S 1214](#), [S 1263](#), and [S 1272](#) were filed for second reading.

February 8, 2012

The RESOURCES AND ENVIRONMENT Committee reports out [SJR 104](#) with the recommendation that it do pass.

PEARCE, Chairman

[SJR 104](#) was filed for second reading.

February 8, 2012

The EDUCATION Committee reports out [H 383](#) and [H 385](#) with the recommendation that they do pass.

GOEDDE, Chairman

[H 383](#) and [H 385](#) were filed for second reading.

February 9, 2012

The JUDICIARY AND RULES Committee reports that Senate amendments to [H 404](#) and [H 358](#) have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1299

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO MILITARY EDUCATION TRAINING AND SERVICE; AMENDING CHAPTER 37, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-3727, IDAHO CODE, TO PROVIDE THAT THE STATE BOARD OF EDUCATION, THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, THE BOARD OF TRUSTEES OF CERTAIN COMMUNITY COLLEGES AND THE STATE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION SHALL DEVELOP POLICIES RELATING TO THE AWARD OF ACADEMIC CREDIT FOR CERTAIN MILITARY EDUCATION, TRAINING OR SERVICE, TO PROVIDE FOR COOPERATION IN THE DEVELOPMENT OF SUCH POLICIES AND TO AUTHORIZE RULEMAKING; AND AMENDING CHAPTER 26, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2620, IDAHO CODE, TO PROVIDE THAT EACH OF THE PROFESSIONAL AND OCCUPATIONAL LICENSING BOARDS WITHIN THE DEPARTMENT OF SELF-GOVERNING AGENCIES MAY ACCEPT CERTAIN MILITARY EDUCATION, TRAINING OR

SERVICE TOWARD THE QUALIFICATIONS TO RECEIVE LICENSURE, CERTIFICATION OR REGISTRATION AND TO AUTHORIZE RULEMAKING.

S 1300

BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO CHILD CUSTODY AND VISITATION INVOLVING DEPLOYED PARENTS; AMENDING CHAPTER 7, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-720, IDAHO CODE, TO PROVIDE THAT A COURT MAY ONLY ENTER AN ORDER OR DECREE TEMPORARILY MODIFYING AN EXISTING CHILD CUSTODY ORDER UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR EXPEDITED HEARINGS UNDER CERTAIN CONDITIONS, TO PROVIDE FOR THE PRESENTATION OF TESTIMONY AND EVIDENCE BY ELECTRONIC MEANS UNDER CERTAIN CONDITIONS, TO PROVIDE FOR THE REINSTATEMENT OF CERTAIN CUSTODY ORDERS AND TO DEFINE TERMS.

S 1301

BY EDUCATION COMMITTEE
AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-512, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE SUPERVISION AND REGULATION OF CERTAIN EXTRACURRICULAR ACTIVITIES AND TO MAKE TECHNICAL CORRECTIONS.

S 1302

BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO DOGS; AMENDING SECTION 25-2803, IDAHO CODE, TO PROVIDE FOR ALTERNATIVE MEANS OF IDENTIFICATION; REPEALING SECTION 25-2804, IDAHO CODE, RELATING TO DOGS WITHOUT COLLARS AND TAGS; REPEALING SECTION 25-2805, IDAHO CODE, RELATING TO DOGS RUNNING AT LARGE AND VICIOUS DOGS; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2805, IDAHO CODE, TO PROVIDE FOR THE SEIZURE AND IMPOUNDMENT OF DOGS RUNNING AT LARGE, TO PROVIDE FOR VIOLATION AND PENALTY, TO CLARIFY APPLICABILITY, TO PROVIDE A WAITING PERIOD DURING WHICH TIME AN OWNER MAY RECLAIM A DOG PRIOR TO THE DOG BEING HUMANELY KILLED OR TRANSFERRED TO ANOTHER PARTY AND TO PROVIDE THAT CERTAIN HOUSING OF A DOG BY THE SHERIFF OR HIS DELEGATE SHALL CONSTITUTE REASONABLE EFFORT TO LOCATE THE OWNER; REPEALING SECTION 25-2806, IDAHO CODE, RELATING TO LIABILITY; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2806, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR LIABILITY REGARDING DOGS ATTACKING OR KILLING ANIMALS, TO PROVIDE EXCEPTIONS, TO PROVIDE FOR THE APPLICABILITY OF ADDITIONAL PROVISIONS IN CERTAIN SITUATIONS, TO PROVIDE FOR SEVERABLE LIABILITY AND TO PROVIDE FOR VIOLATIONS AND PENALTIES; AMENDING SECTION 25-2808, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2809, IDAHO CODE, TO PROVIDE FOR DEFENSE AGAINST

DOG ATTACK, TO CLARIFY A QUALIFICATION AND TO PROVIDE AN EXCEPTION; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2810, IDAHO CODE, TO PROVIDE FOR THE DESIGNATION OF DANGEROUS DOGS AND AT-RISK DOGS, TO CLARIFY PROOF REQUIREMENTS IN THE PROSECUTION OF CERTAIN ACTIONS, TO DEFINE TERMS, TO PROVIDE THAT CERTAIN PROOF SHALL NOT BE REQUIRED IN PROCEEDINGS AND TO PROVIDE EXCEPTIONS; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2811, IDAHO CODE, TO PROVIDE THAT COURTS MAY ORDER CERTAIN DOGS BE KILLED, TO PROVIDE FOR RESTRICTIONS AND REQUIREMENTS, TO PROVIDE FOR THE WAIVER OF RESTRICTIONS AND REQUIREMENTS, TO PROVIDE FOR VIOLATIONS AND TO PROVIDE FOR IMPOUNDMENT; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2812, IDAHO CODE, TO PROVIDE FOR VIOLATIONS AND PENALTIES; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2813, IDAHO CODE, TO PROVIDE FOR THE LOCAL REGULATION OF CERTAIN DOGS; AND AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2814, IDAHO CODE, TO PROVIDE FOR SEVERABILITY.

S 1303

BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO ANIMALS; AMENDING SECTION 25-3504, IDAHO CODE, TO REMOVE REFERENCE TO MISDEMEANORS; AND AMENDING SECTION 25-3520A, IDAHO CODE, TO PROVIDE FOR VIOLATIONS OF SPECIFIED LAW, TO PROVIDE AN EXCEPTION, TO PROVIDE FOR MISDEMEANORS, TO PROVIDE THAT SPECIFIED CONDUCT UNDER CERTAIN CIRCUMSTANCES SHALL CONSTITUTE A FELONY, TO PROVIDE FOR PENALTIES, TO PROVIDE THAT OTHER SPECIFIED CONDUCT SHALL CONSTITUTE MISDEMEANORS, TO REFERENCE PENALTIES, TO PROVIDE THAT EACH PRIOR CONVICTION OR GUILTY PLEA SHALL CONSTITUTE ONE VIOLATION AND TO PROVIDE THAT SPECIFIED PRACTICES ARE NOT ANIMAL CRUELTY.

S 1304

BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO THE BARLEY COMMISSION; AMENDING SECTION 22-4002, IDAHO CODE, TO PROVIDE THAT COMMISSION MEMBERS SERVE AT THE PLEASURE OF THE GOVERNOR; AMENDING SECTION 22-4005, IDAHO CODE, TO PROVIDE THAT THE EXECUTIVE COMMITTEE OF THE IDAHO STATE WHEAT GROWERS ASSOCIATION, DOING BUSINESS AS THE IDAHO GRAIN PRODUCERS ASSOCIATION, MAY REQUEST THE REMOVAL OF A COMMISSIONER, TO PROVIDE THAT THE GOVERNOR MAY WITHDRAW A COMMISSIONER'S APPOINTMENT AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 22-4015, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO REVISE THE TAX IMPOSED ON CERTAIN BARLEY.

S 1305
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO THE CONTROL OF DEPREDAATION OF WOLVES; AMENDING SECTION 36-1107, IDAHO CODE, TO PROVIDE THAT WITHIN A SPECIFIED TIME PERIOD OF LIVESTOCK OR DOMESTIC ANIMALS BEING MOLESTED OR ATTACKED, THE OWNER AND THEIR EMPLOYEES AND AGENTS MAY CONTROL THE WOLF OR WOLVES FROM A MOTORIZED VEHICLE AT ANY TIME OF THE DAY OR NIGHT, TO AUTHORIZE THE USE OF CERTAIN EQUIPMENT, TO REQUIRE THAT THE OWNER HOLD A SPECIFIED PERMIT FROM THE IDAHO DEPARTMENT OF AGRICULTURE IF USING A POWERED PARACHUTE, HELICOPTER OR FIXED WING AIRPLANE, TO PROVIDE THAT IN THE EVENT USDA-APHIS WILDLIFE SERVICES OR THE IDAHO DEPARTMENT OF FISH AND GAME VERIFIES A LOSS OF LIVESTOCK OR DOMESTIC ANIMALS DUE TO WOLF DEPREDAATION, THE OWNER MAY OBTAIN A PERMIT FROM THE DIRECTOR OF THE DEPARTMENT OF FISH AND GAME AUTHORIZING THE OWNER AND THEIR EMPLOYEES AND AGENTS TO CONTROL THE WOLF OR WOLVES FROM A MOTORIZED VEHICLE AT ANY TIME OF THE DAY OR NIGHT, TO AUTHORIZE THE USE OF CERTAIN EQUIPMENT, TO PROVIDE FOR THE DURATION OF THE PERMIT, TO REQUIRE THAT THE OWNER HOLD A SPECIFIED PERMIT FROM THE IDAHO DEPARTMENT OF AGRICULTURE IF USING A POWERED PARACHUTE, HELICOPTER OR FIXED WING AIRPLANE, TO PROVIDE FOR REPORTING TO THE DIRECTOR OF THE DEPARTMENT OF FISH AND GAME AND TO PROVIDE THAT WOLVES SO TAKEN SHALL REMAIN THE PROPERTY OF THE STATE; AMENDING SECTION 22-102A, IDAHO CODE, TO PROVIDE THAT PERMITS MAY BE ISSUED BY THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE TO SHOOT WOLVES AS PROVIDED BY SPECIFIED LAW WHILE AIRBORNE IN AN AIRCRAFT; AND DECLARING AN EMERGENCY.

[S 1299](#), [S 1300](#), [S 1301](#), [S 1302](#), [S 1303](#), [S 1304](#), and [S 1305](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

Moved by Senator Bock, seconded by Senator Stennett, that [H 404](#), as amended in the Senate, be referred to the Fourteenth Order of Business for amendment, the question being, "Shall the motion prevail." The President announced the motion, by voice vote, did not prevail.

[H 404](#), as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

[H 358](#), as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:30 p.m. until the hour of 11 a.m., Friday, February 10, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary